



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,087	10/04/1999	GARY L. BURGE	1355-171C	9198

8698 7590 06/26/2002

STANDLEY & GILCREST LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 06/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/412,087

Applicant(s)
Burge et al.,

Examiner
John Young

Art Unit
3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 26, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3622

DRAWINGS

1. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

Content of Specification Objection

2. **Objection Withdrawn.**

FINAL REJECTION

REVISED 35 U.S.C. §103(a) REJECTIONS FOR CLAIMS 1-20

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Independent claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dedrick 5,710,884 (01/20/1998) [US f/d: 03/29/1995] (herein referred to as “Dedrick ‘884”).

As per claim 1, Dedrick ‘884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; Fig. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 50-67; and col. 4, ll. 1-67; col. 7, ll. 9-65) shows elements that suggest:

Art Unit: 3622

A system for customizing displays, comprising: electronic user profile data comprising on-line behavior data and personal data; content data for a plurality of content providers; a plurality of model parameters identifying display characteristics for a computer display; a plurality of actual display characteristics selected in accordance with said electronic user profile data, said content data, and said plurality of model parameters; and a display comprising said actual display characteristics.

Dedrick '884 (col. 8, ll. 31-50; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) discloses: *"statistic compilation . . . compiles content-specific information. . . . This information includes . . . how much time the end user spends consuming the electronic content. . . ."*

Dedrick '884 (col. 3, ll. 13-18; and col. 3, ll. 23-25) discloses: *"Each client system . . . may be any other type of consumer consumption device, such as a television set, a cable settop converter, a game machine, etc. The server . . . is typically a dedicated computer that provides an interconnect contact node which allows the client systems . . . to communicate with the server . . . and other client systems. . . . the server . . . and the client systems . . . contain the necessary interface hardware and software required to transfer information between the components of the system. . . ."*

Art Unit: 3622

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick '884 lacks an explicit recitation of: “a plurality of model parameters identifying display characteristics for a computer display. . . .”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) would have been selected in accordance with “a plurality of model parameters identifying display characteristics for a computer display. . . .” because such selection would have provided means for the end user “*to consume the advertisement in whichever format he or she prefers. . . .*” (See Dedrick '884 (col. 4, ll. 65-67)).

As per claim 2, Dedrick '884 shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick '884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; and col. 17, ll. 13-25) discloses: “*statistic compilation . . . compiles content-specific information. . . . This information includes . . . how much time the end user spend consuming the electronic content. . . .*”

Dedrick '884 (col. 4, ll. 24-34; col. 8, ll. 32-52) shows elements that suggest “wherein said online behavior data comprises selected sites, number of visits to selected

Art Unit: 3622

sites, entry and exit times for selected sites, and content selections from selected sites.”

Dedrick ‘884 lacks an explicit recitation of “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 24-34; and col. 17, ll. 13-25) would have been selected in accordance with “wherein said online behavior data comprises selected sites, number of visits to selected sites, entry and exit times for selected sites, and content selections from selected sites. . . .” because such selection would have provided means for “[*monitoring the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.*” (See Dedrick ‘884 (col. 2, ll. 1-5)).

As per claim 3, Dedrick ‘884 shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick ‘884 (col. 3, ll. 50-67; col. 4, ll. 14-24; col. 6, ll. 1-10; and col. 12, ll. 26-43) shows elements that suggest “wherein the personal data comprises age, sex, hobbies, and interests.”

Dedrick ‘884 lacks an explicit recitation of: “wherein the personal data comprises

Art Unit: 3622

age, sex, hobbies, and interests.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 3, ll. 50-67; col. 4, ll. 14-24; col. 6, ll. 1-10; and col. 12, ll. 26-43) would have been selected in accordance with “wherein the personal data comprises age, sex, hobbies, and interests. . . .” because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 4, Dedrick ‘884 shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick ‘884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .”

Dedrick ‘884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”

Dedrick ‘884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders,

Art Unit: 3622

and fonts.”

Dedrick ‘884 lacks an explicit recitation of: “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with “wherein said model parameters comprise a number of options to view, option locations, option shapes, option sizes, colors, backgrounds, foreground, borders, and fonts. . . .” because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 5, Dedrick ‘884 shows the system of claim 1. (See the rejection of claim 1 supra).

Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) shows elements that suggest “wherein said content data comprises data for products and services.”

Art Unit: 3622

Dedrick '884 lacks an explicit recitation of: “wherein said content data comprises data for products and services. . . .”; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance with “wherein said content data comprises data for products and services. . . .” because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[select] the ‘buy’ option. (See Dedrick '884 (col. 19, ll. 42-55)).

As per claim 6, Dedrick '884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 6.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 6.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 6 because such selection would have provided a

Art Unit: 3622

method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 7, Dedrick ‘884 shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick ‘884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) shows elements that suggest “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

Dedrick ‘884 lacks an explicit recital of “wherein the step of creating said electronic profile data comprises the step of obtaining navigational preference data and demographic data for said computer user.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) would have been selected in accordance with “wherein the step of creating said electronic

Art Unit: 3622

profile data comprises the step of obtaining navigational preference data and demographic data for said computer user. . . .” “[*monitoring*] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick ‘884 (col. 2, ll. 1-5)).

As per claim 8, Dedrick ‘884 shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick ‘884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 8.

Dedrick ‘884 lacks an explicit recital of the elements and limitations of claim 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 8 because such selection would have provided a method of “[*customizing*] electronic information to individual end users without specific

Art Unit: 3622

direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 9, Dedrick ‘884 shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick ‘884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick ‘884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 9.

Dedrick ‘884 lacks an explicit recitation of the elements and limitations of claim 9.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 9 because such selection would have provided a method of “*[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual*

Art Unit: 3622

user based on these previous actions.” (See Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

As per claim 10, Dedrick ‘884 in view of shows the system of claim 6. (See the rejection of claim 6 supra).

Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) shows elements that suggest the elements and limitations of claim 10.

Dedrick ‘884 lacks an explicit recitation of the elements and limitations of claim 10.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance with the elements and limitations of claim 10 because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[select] the ‘buy’ option.. (See Dedrick ‘884 (col. 19, ll. 42-55)).

As per claim 11, Dedrick ‘884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows elements that suggest “b) defining account data for a plurality of merchants. . . .”

Dedrick ‘884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-

Art Unit: 3622

67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 11.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 11.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 11 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick '884 (col. 1, ll. 59-65)).

Art Unit: 3622

As per claim 12, Dedrick '884 shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick '884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 12.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 12.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 7, ll. 52-65; col. 9, ll. 3-45; col. 3, ll. 50-67; col. 4, ll. 14-24; col. 4, ll. 35-55; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 6, ll. 1-10; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; col. 12, ll. 26-43; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 12 because such selection would have provided a means for “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 2, ll. 1-5)).

As per claim 13, Dedrick '884 shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick '884 (FIG. 8; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col.

Art Unit: 3622

5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; col. 17, ll. 32-60) col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) shows elements that suggest the elements and limitations of claim 13.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 13.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (FIG. 8; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; col. 17, ll. 32-60) col. 2, ll. 53-56; col. 16, ll. 47-58; and col. 19, ll. 42-55) would have been selected in accordance with the elements and limitations of claim 13 because such selection would have provided a means for “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick '884 (col. 2, ll. 1-5)), and because such selection would have provided “a system which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .” (See Dedrick '884 (col. 1, ll. 59-65)).

Art Unit: 3622

As per claim 14, Dedrick '884 shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”

Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 14.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 14 because such selection would have provided a method of “[*customizing*] *electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.*” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Art Unit: 3622

As per claim 15, Dedrick '884 shows the system of claim 11. (See the rejection of claim 11 supra).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick '884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; Fig. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 50-67; col. 4, ll. 1-67; col. 7, ll. 8-65; col. 5, ll. 1-16; col. 5, ll. 50-67; and col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 15.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 15.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (the ABSTRACT, FIG. 2; FIG. 3a; FIG. 4; FIG. 5; FIG. 6a; FIG. 6b; FIG. 7a; Fig. 7b; FIG. 8; FIG. 9; FIG. 10; col. 3, ll. 50-67; col. 4, ll. 1-67; col. 7, ll. 8-65; col. 5, ll. 1-16; col. 5, ll. 50-67; and col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 15 because such selection would have provided a method of “[*customizing*] electronic information to individual end users without specific direction from the users. That is “[*monitoring*] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Art Unit: 3622

As per claim 16, Dedrick '884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows elements that suggest a database for storing merchant data for a plurality of merchants. . . .”

Dedrick '884 (FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 16.

Dedrick '884 lacks an explicit recital of the elements and limitations of claim 16.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 16 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and

Art Unit: 3622

customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system *which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .*” (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 17, Dedrick ‘884 shows the system of claim 16. (See the rejection of claim 16 supra).

Dedrick ‘884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 14-34; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; col. 8, ll. 32-52; col. 12, ll. 26-43; and col. 17, ll. 13-25) shows elements that suggest the elements and limitations of claim 17.

Dedrick ‘884 lacks an explicit recital of the elements and limitations of claim 17.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (col. 8, ll. 31-52; col. 7, ll. 56-67; col. 5, ll. 16-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 4, ll. 14-34; col. 4, ll. 37-50; col. 3, ll. 50-67; col. 4, ll. 1-5; col. 8, ll. 32-52; col. 12, ll. 26-43; and col. 17, ll. 13-25) would have been selected in accordance with the elements and limitations of claim 17 because such selection would have provided a method of “[*customizing*] *electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic*

Art Unit: 3622

information and customizes subsequent units of electronic information for that individual user based on these previous actions. . . .” (see Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)), and because such selection would have provided “a system *which furnishes the electronic information providers with a substantial amount of information about their markets and potential markets. . . .*” (See Dedrick ‘884 (col. 1, ll. 59-65)).

As per claim 18, Dedrick ‘884 shows the system of claim 16. (See the rejection of claim 16 supra).

Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; col. 19, ll. 42-55; col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) shows elements that suggest the elements and limitations of claim 18.

Dedrick ‘884 lacks an explicit recitation of the elements and limitations of claim 18; however,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick ‘884 (FIG. 8; col. 2, ll. 53-56; col. 16, ll. 47-58; col. 19, ll. 42-55; col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42) would have been selected in accordance with the elements and limitations of claim 18 because such selection would have provided a method by which a consumer could “[consume] the electronic advertisement and[select] the ‘buy’ option.. (See Dedrick ‘884 (col. 19, ll. 42-55)).

Art Unit: 3622

As per claim 19, Dedrick '884 shows the system of claim 16. (See the rejection of claim 16 *supra*).

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) discloses “*consumption formats include formats such as audio, video, graphics, animation, text, etc. . . .*”

Dedrick '884 (col. 4, ll. 56-67; and col. 5, ll. 52-67) suggests “model parameters. . . .”

Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 19.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 19.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 4, ll. 35-55; col. 3, ll. 50-67; col. 5, ll. 1-16; col. 5, ll. 50-67; col. 7, ll. 8-29; col. 7, ll. 39-65; col. 17, ll. 3-13; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 19 because such selection would have provided a method of “[*customizing*] *electronic information to individual end users without specific direction from the users. That is “[monitoring] the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.*” (See Dedrick '884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

Art Unit: 3622

As per claim 20, Dedrick '884 shows the system of claim 16. (See the rejection of claim 16 supra).

Dedrick '884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) shows elements that suggest the elements and limitations of claim 20.

Dedrick '884 lacks an explicit recitation of the elements and limitations of claim 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Dedrick '884 (col. 9, ll. 12-30; col. 10, ll. 5-21; FIG. 3a; FIG. 5; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; and col. 19, ll. 35-42; FIG. 7b; col. 4, ll. 24-36; col. 14, ll. 19-37; col. 15, ll. 31-41; col. 19, ll. 35-42 col. 8, ll. 31-50; col. 7, ll. 8-29; col. 7, ll. 39-67; col. 5, ll. 1-20; col. 5, ll. 39-67; col. 6, ll. 1-10; col. 6, ll. 1-10; col. 6, ll. 22-67; col. 3, ll. 13-18; col. 3, ll. 23-25 col. 3, ll. 50-67; col. 4, ll. 1-5; col. 4, ll. 35-55 col. 4, ll. 50-67; and col. 17, ll. 3-25; and col. 17, ll. 32-60) would have been selected in accordance with the elements and limitations of claim 20 because such selection would have provided a method of “[customizing] electronic information to individual end users without specific direction from the users. That is “[monitoring]

Art Unit: 3622

the actions taken by an individual user in consuming electronic information and customizes subsequent units of electronic information for that individual user based on these previous actions.” (See Dedrick ‘884 (col. 1, ll. 65-67; and col. 2, ll. 1-5)).

RESPONSE TO ARGUMENTS

5. Applicant's arguments have been considered but are not persuasive for the following reasons:

In view of the new grounds of rejection necessitated by Applicant's amendment, Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

THIS ACTION IS MADE FINAL.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3622

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

RELEVANT PRIOR ART

6. The prior art references made of record and not relied upon are considered pertinent to Applicant's disclosure:

U.S. Patents

5,724,521, U.S. Pat. [Mar. 03, 1998]

Dedrick,

705/26

“METHOD AND APPARATUS FOR PROVIDING ELECTRONIC ADVERTISEMENTS TO END USERS IN A CONSUMER BEST-FIT PRICING MANNER.” This reference discusses display customization based on consumer preferences. (See the ABSTRACT) Ref. claims 1-20.

CONCLUSION

7. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

Art Unit: 3622

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive


Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young 

Patent Examiner

June 16, 2002


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

IMPORTANT NOTICE

Effective April 21, 2002, the Examiner handling this application will be assigned to a new Art Unit as a result of a Technology Center reorganization.

For any written or facsimile communication submitted ON OR AFTER April 21, 2002, this Examiner, who was assigned to Art Unit 2162, will be assigned to Art Unit 3622.

Please include the new Art Unit in the caption or heading of any communication submitted after the April 21, 2002 date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.